

CIVIL DOCKET  
UNITED STATES DISTRICT COURT

BARROW  
COOK-- ELLISON

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE

Ray Marshall  
~~PETER J. BRENNAN~~, Secy. of Labor  
United States Department of Labor

v.

SUN OIL COMPANY OF PENNSYLVANIA,  
a corporation

ATTORNEYS

For plaintiff:  
Caruthers G. Berger  
William J. Kilberg  
~~George T. Avery~~  
Heriberto De Leon  
U. S. Department of Labor  
Office of Solicitor  
~~Fed. Bldg., & Courthouse, Rm. 7C52~~  
Dallas, Texas 75202  
555 Griffin Square Bldg., Suite 707  
Griffin & Young Streets

214-749-3482 8-749-3482

3-2-81 Caruthers G. Berger  
James J. Drueben  
EEOC

Dallas District Office  
1900 Pacific Ave., 13th Floor  
Dallas, Tx 75201  
(214) 767-4574 (ITS) 724-4574

For defendant: Nancy J. Gellman,  
Pepper, Hamilton & Scheetz  
~~John J. Runzer~~ 2001 The Fidelity Bldg.  
123 South Broad Street  
Philadelphia, Pa. 19109  
215-893-3053

John Ladner  
P. O. Box 2039  
Tulsa, Oklahoma 74102  
918-586-6316

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 12-1-74 11-1-79	Clerk				
J.S. 6 mailed 12-1-76 -1-81	Marshal				
Basis of Action: Violating prov. of 4(a) of Age Discrimination in Employment Act of '67 (29 USC 621 et seq.) Action arose at:	Docket fee Witness fees Depositions				

## JUDGE ELLISON

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-27-74	1. COMPLAINT, filed. Summons issued. jj	
12-10-74	Summons, ret. & filed: served The Corporation Co., Ok. City, 12-5-74. (USM \$4.00)g	
1-13-75	2. Motion of deft. for extension of time to file answer, filed. g	10/13
1-14-75	3. Order, filed, granting deft. until 1-27-75 to answer. (AEB-J)g	10/14
1-27-75	4. Deft's interrogatories to pltf. - Set #1, filed. g	
1-27-75	5. Deft's request for production of documents - Set #1, filed. g	
1-27-75	6. <u>ANSWER</u> of def., filed. rm	
1-30-75	MO Parties are directed to hold PT conf. on or before 3-13-75 & file PT Order on or before 3-20-75. (AEB-J)k cps by cert ml	
2-26-75	7. Pltf. ans. to def. interrog. to pltf. - Set No. 1, filed. rm	
2-26-75	; 8. Pltf. obj. to def. interrog. set No. 1, filed. rm	
2-26-75	9. Pltf. obj. to def. req. for production of documents, Set No. 1, filed. rm	
2-26-75	10. Brief of pltf. in support of obj. to interrog. & req. for production, filed. rm	
3-18-75	11. Joint application for ext. of time to file pretrial order, filed.	10/18
3-21-75	Case set for non-jury trial on 6-9-75, at 10:00 AM (AEB-J)b nts mld.	
3-27-75	12. Deft's appl. to strike case from non-jury docket, filed.k	10/27
3-27-75	13. Deft's amendment to joint appl. for ext. of time til 6-20-75 to file PT Order, filed.k	
3-27-75	14. Order, filed, granting til 5-5-75 to file PT Order & denying appl. to strike from 6-9-75 non-jury docket. (AEB-J)k cps mld	
4-7-75	15. Deft's 2nd Set of Interrogatories to Pltf., filed.jj	
4-7-75	16. Deft's 2nd Request for Production of Documents, filed.jj	
5-2-75	17. MOTION TO EXTEND TIME FOR THE FILING OF PT ORDER, filed. lm (o to J)	
5-5-75	18. Order, filed, ext. time to file PT order to 6-2-75. (AEB-J)g	
5-5-75	MO: Ordered by the Court that case is stricken from N/J docket of 6-9-75, and re-set for 6-16-75, at 10:00 A.M.(AEB-J)b nts mld	
5-13-75	19. Pltf's answers to deft's interrogs - Set No. 2, filed. g	
5-13-75	20. Pltf's objections to deft's interrogs - Set No. 2, filed. g	
5-13-75	21. Memorandum in support of pltf's objs. to Interrogs. and to deft's request for production of documents, filed. g	
5-13-75	22. Pltf's response to deft's request for production of documents Set No. 2, filed. g	
5-13-75	23. Pltf's request for admissions, filed. g	
5-13-75	24. Pltf's request for production of documents for inspection and copying, filed. g	

## JUDGE ELLISON

Sheet #2

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-13-75	25. Pltf's Interrogs., filed. lm	
5-21-75	26. Desposition of J. Dean Speer taken for Defendant by Reporter Linda Schmanke, Reported on April 21, 1975, filed. mm W/Brief attached	
5-27-75	27. Deft's Motion for Summary Judgment, filed. mm	
	MO: It is ordered by the Court that the Plaintiff file a responsive brief within 10 days to the Deft's Motion for Summary Judgment. (AEB-J)mm cps mld	
5-30-75	28. Mot. of pltf. for continuance & for ext. of time to file pre-trial order, filed. g	
6-9-75	29. Deft's Answers to Pltf's Interrogs, filed. lm	
6-9-75	30. Deft's Answer to Pltf's Request for Admissions, filed. lm	
6-9-75	31. Deft's Response to Pltf's Request for Prod. of Documents for Inspection and Copying, filed. lm	
6-9-75	32. Pltf's Response to Deft's Motion for S/J, filed. lm	
6-9-75	33. Pltf's Brief in Support of his Response to Deft's Motion for S/J, filed. lm	
6-13-75	MO: Ordered by the Court that upon request of pltf. and its motion for continuance of non-jury trial, this case is stricken from n/j docket of 6/16/75, to be reset on the August docket.(AEB-J)rm (parties notified by phone)	
6-16-75	34. Deft's reply brief in support of mot. for S/J, filed. g	
6-16-75	34 Deft's affd. re exhibits, filed. g	
8-25-75	MO: Case referred to Mag. Bradford for F&R re pending mots. (AEB-J)k	
10-22-75	Case called for hearing before Magistrate on Deft's motion for summary judgment & Deft's motion to dismiss as to R. C. Holcomb. Parties present. Deft's motions sustained. Deft co. N. Gellman to prepare F&R & order in 10 days.(MLB-Mag) b	
11-4-75	35 Findings & Recommendations of Magistrate, filed(MLB-Mag) b cps mld	
11-13	36. Pltf's petition to set aside findings and recommendations of Magistrate, filed. g	
11-13	37. Brief in support of petition to set aside F&R of Magistrate, filed. g	
11-13	MO Ordered by Court that deft. file a responsive brief within 10 days to pltf's motion to set aside F&R of Magistrate. (AEB-J)g	
11-19	38. Plt's supplemental brief in support of his petition to set aside findings and recommendations of Magistrate, filed. tc	
11-24	39. Pltf's Mtn. for Partial S/J., filed.jj	
11-24	40. Pltf's Brief in Support of Mtn. for Partial S/J, filed.jj	
11-24	MO; It is ordered by the Court that deft. is granted 10 days in which to file responsive brief to Pltfs. Mtn. for Partial S/J (AEB-J) ii	

DATE	PROCEEDINGS	Date Order or Judgment Note
11-24-75	Deft's Brief in Opposition to Pltf's Pet. to Set Aside Findings and Recommendations of Magistrate, filed.jj 0 to J	
11-26	42. Deft.'s appl. for ext. of time to file response to Pltf.'s Mot. for Partial Summary Judgment, fld. v (o)	
<u>1976</u>		
<u>2-2</u>	43. Deft's response to pltf's motion for partial summary judgment, filed. g	
2-2	44. Deft's brief in opposition to pltf's motion for partial summary judgment, filed. g	
4-23	45. Deft's Supplemental Brf. in opposition to Pltf's Petition to set aside F/R of Mag.,filed.t	
4-29	46. Defts. 2nd Supp. Brf in Opposition to Pltf's Pet. to Set Aside F/R of the Mag.,filed.t	
5-13	47. Pltf's Response to Deft's Supplemental Brfs in opposition to Pltf's Petition to set aside F/R of Mag.,filed.t	
11-3	48. Memorandum and order of the Court, filed & entered, that deft's mot. for S/J be & the same is hereby sustained & the cause of action & compl. are dismissed w/ prejudice. Further, that the objections to the Mag. F&R are overruled. (AEB-J)k cps mld	
12-27	49. Notice of appeal by pltf. from Order of 11/3/76, filed. rm	
<u>1977</u>	(copies to counsel and USCA)	
1-5	50. Mot. to ext. the time for transmitting the record of appeal 'til 3-28-77, filed. lm (o to J)	
1-7	51. Order, filed; extending time for transmitting record on appeal to 3/28/77.(AEB-J)rm-copies to counsel and USCA	
3-10	Appeal record (2 vols.) sent to USCA. g	
3-31	Letter from USCA, assigning No. 77-1210 to appeal. rm	
4-20-79	-- Letter from 10th Circuit, advising that petition for writ of cert. was filed w/Sup. Ct. on 4/11/79 and assigned No. 78-1547. rm	
<u>1979</u>		
<u>10-12</u>	LETTER from 10th Cir., that cert. was denied by Supreme Ct. on 10/1/79.rm	
10-12	MANDATE & OPINION of 10th Cir., filed and spread of record, reversing & remanding for further proceedings consistent w/opinion of 10th Cir. rm	
10-12	STATEMENT OF COSTS from 10th Cir., taxing costs in favor of pltf-appellant and against deft. Sun in amt. of \$172.20.(JCS-Clk)rm	
10-16-79	52. DEFT'S INTERROG. to Pltf. - set #3. b	
10-16-79	53. DEFT'S REQUEST FOR PRODUCTION OF DOCUMENTS - set #3. b	
11-14	MO: CASE TRANSFERRED TO JUDGE JAMES O. ELLISON. (HDC-J)hm	

DC 111A  
(Rev. 1/75)

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF Ray Marshall, Secy. of Labor United States Depart. of Labor		DEFENDANT Sun Oil Company Of Pennsylvania	DOCKET NO. _____ PAGE ____ OF ____ PAGES
DATE 1979	NR.	PROCEEDINGS	
11-23	54	MOTION for stay of proceedings to permit additional informal conciliation, by pltf. Equal Employment. O to J. cs	
11-26	55	ORDER, that the proceedings be stayed for period of 90 days from this date. (JOE-J)b cps mov	
<u>1980</u>			
2-22	56	MOTION of Pltf. for addl. stay of proceedings to permit addl. informal conciliation. ho O to J.	
2-25	57	ORDER, granting addl. stay of proceeding to permit addl. informal conciliation for 90 days. (JOE-J)b c/mov	
6-16	---	APPEAL RECORD (copy only of Vols. I and II) received from USCA.rm	
8-19	MO	CASE SET for status report on 9-30-80 at 9:30 a.m. (JOE-J)k c/m	
9-23	58	AGREED MOTION to extend the date set for status report. am O to J	
9-25	59	ORDER that both parties report the status of this case on or before 10-20-80. Parties are relieved from appearing or submitting a status report on 9-30-80 at 9:30 a.m. (JOE-J)k cps mld	
10-22	60	MOTION requesting that both parties be relieved of submitting a status report. (O to J)am	
10-23	61	ORDER relieving parties from filing status report. (JOE-J)am cps/mvt	
12-8	---	APPEAL RECORD (orig.) recd. from 10th Cir. rm	
12-22	62	MOTION by pltf. for postponement of status report.cs (0) (pending settlement.)	
12-29	63	ORDER that the parties are relieved of submitting any status report pending settlement. Counsel granted until 2-20-81 to present a proposed final order to the Court. (JOE-J)k cps/mvt	
<u>1981</u>			
2-23	64	MOTION of Pltf. for additional time in which to complete settlement. pt (O to J)	
3-2	65	ORDER granting Pltf. until 3-20-81 to complete settlement. (JOE-J)pt cps/mvt	
4-3	66	MOTION of pltf. for ext. of time in which to complete settlement. (O)nd	
4-10	67	ORDER granting ext. of time to comp. settlement (until 4-17-81). (JOE-J) (c/m pltf.)	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
EEOC		SUN OIL COMPANY OF PA.	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1981			
4-16	68	STIPULATION of dismissal. nd (O to J)	
4-17	69	ORDER of dismissal entered. (JOE-J)hm (c/m)	
5-11	--	DEPOSITION returned to deft. counsel. hm	